

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No.: 2:11-cr-00452-APG-CWH

Plaintiff

Order Denying Motion to Correct Judgment

V.

[ECF No. 230]

THERESA MARCIANTI,

Defendant

8 Eve Mazzarella is not a party to this case. She was convicted in case number 2:08-cr-64
9 and ordered to pay \$2,275,025.00 in restitution. Ms. Mazzarella's name is included on a
10 "restitution list" attached to the \$31,971,250.80 judgment entered in this case against defendant
11 Theresa Marcianti. ECF No. 190 at 14. Ms. Mazzarella fears the "potential" that someone may
12 believe she owes the of restitution from this case. So, Ms. Mazzarella filed a motion to correct
13 the judgment in this case and remove her name from the restitution list. ECF No. 230.

14 Ms. Mazzarella does not have standing to challenge the judgment entered in this case
15 because she is not a party to it. *United States v Kovall*, 857 F.3d 1060, 1065-66 (9th Cir. 2017).
16 But even if Ms. Mazzarella has standing (because she is named in the attachment to the
17 judgment), she has suffered no injury as a result of the judgment. There is no “potential”
18 prejudice to her because the Government has recorded against her a notice of lien for the
19 judgment in her case. *See* ECF No. 231-2. The recorded lien is only for the lesser amount of
20 restitution ordered payable by Ms. Mazzarella. Her restitution obligation was not increased by
21 the judgment in this case. She is simply identified as being jointly and severally liable for the
22 losses in the apportioned amount in the judgment against her. Thus, there is no need to modify
23 the judgment in this case as Ms. Mazzarella requests.

1 IT IS THEREFORE ORDERED that Ms. Mazzarella's motion (ECF No. 230) is denied.

2 DATED this 27th day of August, 2018.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE